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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,315	07/20/2006	Neal Goldberg	US040081	9242

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

EKPO, NNENNA NGOZI

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,315	Applicant(s) GOLDBERG, NEAL	
	Examiner Nnenna N. Ekpo	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/20/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on July 20, 2006 has been considered by the examiner (see attached PTO-1449 form).

Specification

2. The abstract of the disclosure is objected to because abstract is not on a separate sheet. Correction is required. See MPEP § 608.01(b).

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

Art Unit: 2623

- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3-7, 9-12, 14-17, 19 and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al. (U.S. Patent No. 5,812,778).

Regarding **claim 1**, Peters et al. discloses a method for managing a plurality of programs, the method comprising the steps of:

providing a call processor that receives a program request initiated by a user via a key-pad device (see cited portion, but not limited to abstract, col. 1, lines 32-41, col. 2, lines 1-5, fig 1),

establishing a communication channel with the key-pad device to generate a command signal indicative of a program desired by the user (see cited portion, but not limited to abstract, col. 3, lines 22-30, fig 1); and

transmitting the command signal to a television unit for display of the program desired by the user (see cited portion, but not limited to abstract, col. 3, lines 22-53, fig 1).

Regarding **claim 3**, Peters et al. discloses everything claimed as applied above (see *claim 1*). The method wherein the command signal comprises a signal to store a particular program (newscast) in a storage medium (see cited portion, but not limited to col. 3, lines 9-12, fig 1).

Regarding **claims 4, 17 and 21**, Peters et al. discloses everything claimed as applied above (see *claims 1, 9 and 19*). The method wherein the plurality of programs includes at least one of a television network (see cited portion, but not limited to col. 3, lines 9-21), Internet network, wireless network (see cited portion, but not limited to col. 4, lines 18-28), and wired network, or a combination thereof.

Regarding **claim 5**, Peters et al. discloses everything claimed as applied above (see *claim 1*). The method wherein the communication channel is established by a phone-line connection (see cited portion, but not limited to col. 3, lines 4-8, 22-30).

Regarding **claim 6**, Peters et al. discloses everything claimed as applied above (see *claim 1*). The method wherein the communication channel is established by wireless connection (see cited portion, but not limited to col. 4, lines 18-38).

Regarding **claim 7**, Peters et al. discloses everything claimed as applied above (see *claim 1*). The method wherein the display of the program is provided interactively in response to said user's input (see cited portion, but not limited to col. 5, lines 18-26).

Regarding **claim 9**, Peters et al. discloses a system for managing a plurality of programs, comprising:

an input device having a key pad for transmitting a program request by a user (see cited portion, but not limited to abstract, col. 1, lines 32-41, col. 2, lines 1-5, fig 1),
and

a controller for generating a command signal indicative of a program selected by the user interactively (see cited portion, but not limited to abstract, col. 3, lines 22-30, fig 1) and transmitting the command signal to a receiver for display (see cited portion, but not limited to abstract, col. 3, lines 22-53, fig 1).

Regarding **claim 10**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system wherein the controller further provides a program list selectable by the user (see cited portion, but not limited to col. 3, lines 34-40).

Regarding **claim 11**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system further comprising a display device for displaying the program selected by the user (see cited portion, but not limited to col. 3, lines 34-40).

Regarding **claim 12**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system wherein the display device is configured to receive incoming television programs (see cited portion, but not limited to col. 3, lines 34-40).

Regarding **claim 14**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system wherein the input device comprises a plurality key buttons to selectively transmit the command signal (see cited portion, but not limited to col. 4, lines 65-col.5, line 17).

Regarding **claim 15**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system wherein the receiver is a television unit (see cited portion, but not limited to col. 2, lines 55-60, col. 4, lines 6-11, fig 1).

Regarding **claim 16**, Peters et al. discloses everything claimed as applied above (see *claim 9*). The system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs (see cited portion, but not limited to col. 3, lines 9-21).

Regarding **claim 19**, Peters et al. discloses a system for managing a plurality of programs, comprising:

a memory for storing a computer-readable code (see cited portion, but not limited to col. 3, lines 1-3, 9-21, fig 1) and

a processor operatively coupled to said memory (see cited portion, but not limited to col. 3, lines 1-3, 9-21, fig 1), said processor configured to:

receive a program request initiated by a user via a key-pad device (see cited portion, but not limited to abstract, col. 1, lines 32-41, col. 2, lines 1-5, fig 1);

establish a communication channel with the key-pad device to generate a command signal reflective of a program desired by the user interactively (see cited portion, but not limited to abstract, col. 3, lines 22-30, fig 1); and

transmit the command signal to a display unit for displaying the program desired by the user (see cited portion, but not limited to abstract, col. 3, lines 22-53, fig 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 8, 13, 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al. (U.S. Patent No. 5,812,778) as applied to *claims 1, 9 and 19* above, and further in view of Coddington et al. (U.S. Patent No. 5,410,343).

Regarding **claims 2, 13 and 20**, Peters et al. discloses everything claimed as applied above (*see claims 1, 9 and 19*). However, Peters et al. fails to specifically

Art Unit: 2623

disclose the method further comprising the step of authenticating the user upon the establishment of the communication channel.

Coddington et al. discloses the method further comprising the step of authenticating the user upon the establishment of the communication channel (see cited portion, but not limited to col. 9, lines 19-37, fig 7A-D).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Peters et al.'s invention with the above mentioned limitation as taught by Coddington et al. for the advantage of verifying the user.

Regarding **claim 8**, Peters et al. discloses everything claimed as applied above (*see claim 1*). However, Peters et al. fails to specifically disclose the method wherein the display of the program is provided interactively in response to said user's voice input.

Coddington et al. discloses the method wherein the display of the program is provided interactively in response to said user's voice input (see cited portion, but not limited to col. 6, lines 11-22, 34-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Peters et al.'s invention with the above mentioned limitation as taught by Coddington et al. for the advantage of speaking a user's selection.

Regarding **claim 18**, Peters et al. discloses everything claimed as applied above (see *claim 9*). However, Peters et al. fails to specifically disclose the system wherein the input device further comprising a voice response device for interactively transmitting a program request by a user.

Coddington et al. discloses the system wherein the input device further comprising a voice response device for interactively transmitting a program request by a user (see cited portion, but not limited to col. 6, lines 11-22, 34-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Peters et al.'s invention with the above mentioned limitation as taught by Coddington et al. for the advantage of speaking a user's selection.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dunn et al. (U.S. Patent No. 6,584,613) discloses a simplified TV viewer response system coupled to a telephone system that enables a viewer/subscriber to respond to television displays by dialing special digits on the keypad.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-

Art Unit: 2623

1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/

Examiner

September 24, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623

Application/Control Number: 10/597,315
Art Unit: 2623

Page 11